

ARGUMENTS/REMARKS

Response to claim objections and to claim rejection under 35 U.S.C. §112

The informalities mentioned in paragraph 1 of the Official Action have been corrected by amendments to claim 1. Accordingly, withdrawal of this objection is respectfully requested.

The rejection of claim 15 under 35 U.S.C. §112 as incomplete has been overcome by amendments as suggested by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

Response to prior art rejections

The claims have been amended as indicated in the listing of claims above. Claims 1, 2, 5 (system); 6-14 (apparatus) and 15-23, 27 (method) remain in the application. Claims 1, 6 and 15 are independent claims.

Claims 1, 2, 5, 15-18, 21-23 and 27 have been rejected under 35 U.S.C. §102(b) as anticipated by the disclosure of Espejo (U.S. 6,728,353); claims 6-9 and 12-14 have been rejected under 35 U.S.C. §103(a) as obvious in view of the disclosures of Espejo and Choi (U.S. 6,725,063); claims 10-11 have been rejected under 35 U.S.C. §103(a) as obvious in view of the disclosures of Espejo and Choi and Bates (U.S. 6,631,181); and claim 19¹ has been rejected under 35 U.S.C. §103(a) as obvious in view of the disclosures of Espejo and Bates.

Claim 1, as amended, describes a system useful for conducting advertising by a telecommunications service provider, such as a long distance carrier. As pointed out in applicants' specification, it is desirable for a carrier to be able to provide advertising announcements at the time a call concludes, when both a called party's attention is present and an advertising message in some way related to the call can be presented with

¹ The Official Action, para. 6, refers to claim 9 but the context of the rejection indicates the rejection was meant to apply to claim 19.

enhanced effect. For example, if the calling party has a calling plan that allowed the call to be at zero marginal cost, an advertising announcement to the called party that such a plan could be subscribed to by the called party may be convincing. The present arrangement provides a solution which allows advertising to be conducted simply and expeditiously using prerecorded advertising messages and in a way that uses call attribute information already collected for the call completion, together with selection criteria determined by the telecommunications service provider that can tailor an announcement to the circumstances of the called party participant in the call.

The present invention achieves these advantages in a system, as described in claim 1, for providing post-call advertising announcements by a telecommunications service provider to a called party. In the system a network switch routes a call to a called party and plays a post-call advertising announcement to the called party. A database stores information for use in determining, on the basis of call attribute information received from the network switch and selection criteria determined by the telecommunications service provider, whether a post-call advertising announcement generated by the telecommunications service provider is to be played to the called party upon the termination of the call. Means coupling to the network switch transmit the call and post-call advertising announcement to the called party.

Claim 6 describes an apparatus for providing post-call advertising announcements by a telecommunications service provider to a called party, in which a database stores call attribute information and selection criteria determined by the telecommunications service provider. The call attribute information and selection criteria are used to determine whether a post-call advertising announcement is to be played to the called party upon termination of the call. An announcement frame stores advertising announcements established by the telecommunications service provider and plays a particular post-call advertising announcement to the called party. The database returns an announcement number to the announcement frame indicating the particular one of the post-call advertising announcements to be played to the called party.

Claim 15 recites a method for providing post-call advertising announcements by a telecommunications service provider to a called party. In the method, the telecommunications service provider establishes advertising announcements in an announcement frame and determines selection criteria for playing particular advertising announcements to a called party. A call request from a calling party to a called party is received and call attribute information is passed to a database. In the database a look-up query is performed based on the call attribute information and on the selection criteria determined by the telecommunications service provider. Based on the look-up query, an announcement indication is transmitted to the announcement frame. The call is routed to the called party, it is determined whether the calling party has disconnected from the call, and based on the announcement indication, a particular post-call advertising announcement selected according to the selection criteria, is played to the called party when the calling party has disconnected from the call.

The dependent claims further specify advantageous features for providing advertising announcements by a telecommunications service provider. Claims 10 and 11 recite that the database counts how many times a post-call advertising announcement is played for a given set of selection criteria, and that the announcement frame ceases to play a particular post-call advertising announcement after the particular post-call announcement has been played to the called party three times. Claims 12, 13 and 14 recite that the terminating switch notifies the database of a call outcome, e.g., whether the called party was connected for the duration of the advertising announcement, and that a particular post-call advertising announcement is played until the terminating switch determines that the called party maintains a connection for the entire duration of the advertising announcement. Claim 19 similarly counts the times a particular advertising announcement is played for a given set of selection criteria and ceases to play that announcement after it has been played a predetermined number of times. Claim 20 recites determining whether the called party is connected for the entire duration of the advertising announcement, and playing the announcement until the called party is connected for the entire duration of the advertising announcement. Claims 22, 23 and 27 recite the call attribute information supplied to the database, including such things as

calling party number, called party number, and calling and called party's calling plans, as well as Carrier Identification Code, trunk group characteristic and Originating Line Information. Based on these attributes, selection criteria can be designed by the telecommunications service provider so that advertising announcements established by the provider can be selected that are appropriate to the called party and delivered effectively to the called party at the termination of a call.

Applicants respectfully submit that the cited prior art references do not disclose or suggest the subject matter of the claims as described above.

Espejo describes an interactive voice response system for supplying announcements to customers of prepaid wireless services. The subscribers can access a menu and obtain announcements relating to account balances, or locations where prepaid calling cards can be purchased, and can perform account functions such as account replenishment. One option the customer can choose from the main menu relates to "promotions 505", a voluntary choice selected by the customer (not the provider) which "allows customers to listen to promotions offered by the wireless telephone service provider." (col. 16 lines 18-20)

Account subscribers can arrange to have the system play announcements "every time the customer originates a call (outgoing call, the customer uses the wireless telephone to call another party) and provides an opportunity for the customer to hear the announcement every time the customer receives an incoming call (the customer receives a call on the wireless phone from a calling party)." (col. 13 lines 33-38)

Using a submenu, wireless customers using the Espejo IVR

"can select either pre or post call announcements. A pre-call announcement is an announcement this is played when the customer originates an outgoing call. Before the call is connected (that is, before the called party is connected to the call) the announcement is played to the customer. A post-call announcement is an announcement that is played after a call has ended. In order for a customer to hear a post-call announcement, the customer stays on the line after the other party

has hung up. This signals the system that the customer is waiting for a post-call announcement. After the system has sensed that the customer is still on the line after the other party has hung up, the system plays a post-call announcement. In sub-menu 828, customer can elect to receive either pre or post-call announcements. Customers can also elect to receive both pre and post-call announcements.” (col. 14 lines 23-38)

The content of the pre or post-call announcements is selected by the customer (not the provider) among “many different possible messages including current account balance, the time and date of the last incoming or outgoing call, the duration of the call, the cost of the call, and information related to the last replenishment. Other types of messages related to the customer’s account or calling activity can also be included in the announcement.” (col. 14 lines 13-18)

Espejo thus describes a system in which the announcements are voluntary, and are controlled by the customer for the purpose of supplying information to enable the customer to manage an existing prepaid wireless account. While Espejo does disclose post-call announcements to the customer, it does so in the context of a wireless system where per-minute charges are made to the customer for incoming wireless calls and the customer thus has a post-call need to obtain current account information, e.g., remaining balance, after an incoming call has reduced the balance in the account. In this situation the customer is always the called party, and announcements are never played to a non-customer called party as they may be in applicants’ invention.

There is no suggestion in Espejo of playing an advertising announcement to a called party after a call is terminated based on criteria established by the service provider carrying the call for the purpose of advertising the service provider’s services. Likewise there is no suggestion in Espejo of determining when to play an advertising announcement based on criteria such as whether the called party has completely listened to the advertising announcement, or how many times the advertising announcement has been played to the called party. Accordingly, Espejo neither anticipates nor makes obvious the subject matter of applicants’ claims.

Choi similarly contains no suggestion of playing an advertising announcement to a called party after a call is terminated based on criteria established by the service provider carrying the call. Choi discloses an announcement broadcasting system and says "In general, an announcement broadcasting apparatus is used when a fault occurs in a switching system during its operation, or a user requests a particular service for his or her special purpose. In particular, the apparatus is used to check the cause or a fault occurring within the switching system . . . [or] . . . to provide an announcement message to a user when the user inquires about his or her status from the switching system." (col. 1 lines 22-33) Choi makes no mention of playing any announcement to a called party after a call terminates, or playing an advertising announcement based on criteria established by the service provider carrying the call.

Bates also contains no suggestion of playing an advertising announcement to a called party after a call is terminated based on criteria established by the service provider carrying the call. Bates identifies a caller from an incoming call transmission, and a particular greeting announcement is played to the unique caller from among multiple greeting announcements recorded by the customer at the messaging system. As in Espejo, Bates describes a system for customer use and under customer control, and messages are played to a called party before a call, not afterward, and the messages are not advertising messages of the telecommunications carrier over which the call is carried. Bates does describe playing a first message for the first call from a unique caller, and a second message for subsequent calls (col. 6 lines 16-19), but in the completely different context of a subscriber wanting to deliver custom messages to designated callers before a call begins. Furthermore, Bates does not describe a system where no announcement is played after a predetermined number are completed.

The remaining reference listed in the Official Action, cited but not applied in the rejection of any claim, similarly fails to disclose or suggest the features which form the subject matter of applicants' claims.

Applicants respectfully submit that the cited art, given its disparate purposes and completely different approaches to solutions as described above, cannot be read, absent

applicants' disclosure, to suggest the combination of elements contained in applicants' claims or their advantages in providing an effective way to transmit advertising announcements to called parties.

For the foregoing reasons, it is respectfully submitted that claims 1-2, 5-23 and 27 are now allowable, and reconsideration and allowance of the claims in this case are respectfully requested. If there are any outstanding issues, the Examiner is invited to contact applicant's attorney at 203-838-8037.

Accompanying this response are a Revocation of Associate Power and Change of Correspondence Address, and an Authorization to Act in a Representative Capacity.

Respectfully,
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